



Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS
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Annual Report (2001)

MEMBERSHIP AND STAFFING OF THE BOARD

The Board of Bar Examiners administers the Wisconsin mandatory continuing legal education requirement, manages all bar admissions by examination and on reciprocity, and conducts character and fitness investigations of all candidates for admission, including those seeking admission by diploma privilege. The membership of the Board in 2001 was as follows:

Howard B. Eisenberg	Milwaukee	Chairperson
Mary L. Staudenmaier	Marinette	Vice-Chairperson
Curtis Brieske	Wilton	
Dennis A. Danner	Franklin	
Robert J. Janssen	DePere	
Kevin Kelly	Madison	
Harry Maier	DePere	
James P. O'Brien	Chicago	
John O. Olson	Lake Geneva	
Catherine M. Rottier	Madison	
Hon. Eric J. Wahl	Eau Claire	

By order of January 2, 2001, the Court appointed Asst. Dean Kevin M. Kelly for a three-year term expiring December 31, 2003. The Court further appointed Atty. Catherine Rottier to serve the remainder of the term of Atty. Robert B. L. Murphy, to expire on December 31, 2002, Attorney John O. Olson to serve the remainder of the term of Atty. Kathryn R. Anderson, to expire on December 31, 2002, and Atty. Robert J. Jansen to serve the remainder of the term of Atty. Ruth S. Downs, to expire on December 31, 2001.

At the close of the year, the terms of two Board members expired. Robert J. Janssen was eligible for reappointment, and the Court reappointed him to a term expiring December 31, 2004. Dean Howard B. Eisenberg, whose second term expired December 31, 2001, had served two terms and was ineligible for reappointment; the Court appointed Prof. Joseph Kearney to a three-year term expiring December 31, 2004. The Board elected Atty. Mary L. Staudenmaier as its Chairperson and Hon. Eric J. Wahl as its Vice-Chairperson for 2002.

The Board met seven times in 2001 and, in addition, graded two bar examinations. Six meetings were held in Madison, and one meeting was held in DePere, Wisconsin. The December Board meeting included a joint meeting with the Court, at which policy matters of common concern were discussed.

In 2001 the staff of the Board included the following persons:

Gene R. Rankin	Director
Ruth Janto-Wolter	Deputy Director
Jill Remy	Bar Application Manager (Bar Exam)
April Stegmann	Bar Application Manager (Diploma Privilege)
Jennifer Cramer	Character and Fitness Investigator (50% from September 4, 2001)
Melissa Austin	Character and Fitness Investigator (50% from September 4, 2001)
Tammy McMillen	CLE Records Manager
Dianne Knipfer	Course Approval Coordinator (75%)
Toni Gilbertson	Program Assistant

FUNDING SOURCES

The mandatory continuing legal education requirement was funded in fiscal year 2001 by an annual assessment of lawyers on active and inactive status per the State Bar of Wisconsin records who paid \$11.50 and \$5.75, respectively. In addition, the Board realized revenue from late filing fees and reinstatement fees authorized by the Court, and from miscellaneous fees (copying, duplicate admissions certificates, past examination sales, etc.).

The bar admissions portion of Board responsibilities continued to be entirely self-funding. The fees authorized by the Court were set September 1, 2000. For taking the Wisconsin Bar Examination, the fee was set at \$450; for filing an application for admission on proof of practice elsewhere (reciprocity), the fee was set at \$850; for diploma privilege character and fitness ("C&F") certification, the fee was set at \$210.00; the admission fee for all modes was set at \$100.00; and late fees for admissions were set at \$200.00. Revenues shown are actual revenues; they include all late filing fees and do not include 2002 fees received in 2001.

CALENDAR 2001 MAJOR INCOME SOURCES

<u>CLE</u>	<u>Amount</u>
Revenue received from assessment	\$186,952.00
Late fees received @ \$50 (651)	\$ 32,550.00
CLE Reinstatement fees @ \$100 (62)	\$ 6,200.00
Ch. 40 Reinstatement fees @ \$200 (9)	\$ 1,800.00
Ch. 40 Readmission fees @ \$200 (6)	<u>\$ 1,200.00</u>
TOTAL	<u>\$228,702.00</u>

<u>Bar Admissions</u>	<u>Amount</u>
Bar examination filing fees (349)	\$166,155.00
Reciprocity filing fees (111)	\$ 94,520.00
Admission fees (726)	\$ 72,220.00
Diploma privilege C&F investigation fees (435)	<u>\$112,685.00</u>
TOTAL	<u>\$445,580.00</u>

MANDATORY CONTINUING LEGAL EDUCATION

The 2001 calendar year was the year in which reports concerning compliance with the 2000-01 Wisconsin mandatory continuing legal education (CLE) requirement, including the legal ethics and professional responsibility (EPR) requirement, were collected. Of the 7,361 lawyers admitted to practice law in Wisconsin in odd-numbered years who were obligated to comply with the requirement, 131 (1.778%) were ultimately suspended. Of the 2676 lawyers who have been suspended for noncompliance since the inception of the program in 1977, 1,406 remained suspended at the end of calendar 2001.

In 2001, lawyers again had a wide range of educational activities from which to select. General program approval, the annual institutional approval available to CLE sponsors, was extended to 44 organizations. In addition, 6,995 activities were approved on a course-by-course basis, which was an increase of 8.8% from the previous year. 1,958 activities were approved for ethics and professional responsibility (EPR), an increase of 7.1%. Individual approval was extended to 21 courses. 21 Judicial Education courses were approved, which was an increase of 61.5% from the previous year. The Board began to grant approval to *Guardian ad litem* (GAL) courses in 1999, and approved 65 courses for GAL credit in 2001, which was a decrease of 52.9% from the previous year.

The total number of all CLE activities sited in Wisconsin was 3,254, a decrease of 2.4% from the previous year. Approval was denied in 52 cases (down from 63), and EPR approval was denied in 292 cases (up from 230). Principal reasons for denial of approval were the failure to have a continuous hour of EPR, as required by SCR 31.07(5).

ADMISSION TO THE PRACTICE OF LAW

Diploma Privilege

The Board received 435 applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents a 1.4 % decrease over the 441 applications filed in the previous year. 422 were certified to the Court and admitted in 2001, which number includes those who graduated in 2000 but who were not certified nor admitted until the following year. This represents an 18.5% increase over the 356 applicants admitted in the previous year.

Seven files were closed by Board action, for the reason that the applications were made after the deadlines set by SCR 40.09.

The Board notified six graduates of Wisconsin law schools that it intended to deny their admission on character and fitness grounds. Hearings were requested by and granted to three, two were subsequently admitted and one was issued Findings and Conclusions denying admission. Hearings were not requested by three, two were subsequently admitted and one was issued Findings and Conclusions denying admission. No denials were appealed. Where the Board reversed its position and admitted an applicant it had intended to deny, it was because the applicant provided additional information that persuaded the Board to reconsider its denial. The prior denial of admission of a 1998 graduate remains pending on appeal.

Wisconsin Bar Examination

The Board administered two bar examinations in 2001 to a total of 309 applicants. This represents a 25.6% increase over the 246 applicants in the previous year. Statistical information is as follows:

<u>2001 Wisconsin Bar Examinations</u>	<u>Feb. 01</u>	<u>July 01</u>	<u>Total</u>
Applicants Writing Examination	121	188	309
Successful Examinees	87 (72%)	145 (77%)	232 (75%)
First-Time Takers	88	168	256
Successful First-Time Takers	69 (78%)	133 (79%)	202 (79%)

Of these, two examinees in February and two examinees in July were from non-ABA-approved law schools. One passed in February and both passed in July.

The file of one applicant was closed for lack of response. The Board notified four examinees that it intended to deny their admission on character and fitness grounds. Of these four, one remains under consideration; one was subsequently admitted; one was granted a hearing and was subsequently admitted; one was granted a hearing without having requested one, was issued Findings and Conclusions denying his admission, appealed the Board's denial, and the appeal is pending. Where the Board reversed its position and admitted an applicant it had intended to deny, it was because the applicant provided additional information that persuaded the Board to reconsider its denial.

Admission on Reciprocity

In addition, the Board administered the rules for admission on reciprocity. In 2001 the Board received 80 applications under SCR 40.05. 10 pending applicants subsequently withdrew (the most common reasons for withdrawal were inability to satisfy the reciprocity requirement or inability to meet the durational requirements of the relevant rules) and the files of 8 were closed for lack of response. Three previously-certified applicants' certifications lapsed, for the reason that they failed to be sworn in within a year of certification. The principal source jurisdictions continued to be Minnesota and Illinois.

The Board notified four examinees that it intended to deny their admission. Three were issued Findings and Conclusions denying their admission on durational grounds. Of these, one then

withdrew that application and reapplied for admission by examination, while two appealed their denial. The Court upheld the Board's denial on one; the other appeal is pending. One, notified that the denial was on character and fitness grounds, remains under consideration.

Actual Admission

<u>Type of Admission</u>	<u>Year of Admission</u>					<u>Change Since 2000</u>
	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	
Admission by Examination	248	234	221	183	224	(+22.4%)
Admission on Reciprocity	76	96	117	97	80	(-17.5%)
Admission by Diploma Privilege	<u>398</u>	<u>382</u>	<u>418</u>	<u>356</u>	<u>441</u>	<u>(+23.9%)</u>
TOTAL	722	712	756	636	745	(+17.1%)

The Board also carried out the following actions, granting, denying, or accepting withdrawals, as appropriate:

Reinstatements (other than SCR Chapter 31)	9
Chapter 31 reinstatements	62
Readmission following voluntary resignation from the bar	6
Name changes	88

Respectfully submitted,

Gene R. Rankin, Director
Board of Bar Examiners

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